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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,707

12/02/2003

Juan Ruben Valerio

4742

7590

03/23/2005

G. Turner Moller  
Suite 720  
711 North Carancahua  
Corpus Christi, TX 78745

EXAMINER

EVANS, ANDREA HENCE

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/725,707

**Applicant(s)**

VALERIO, JUAN RUBEN

**Examiner**

Andrea H. Evans

**Art Unit**

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/15/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard (5170380) in view of Lloyd (5099463) and further in view of Walton (3996879).

Referring to claim 1, Howard teaches a medication reminder for a bottle tapered from a small generally circular bottom end to a large generally circular open mouth, the device comprising a circuit (122) carried by a support (18) including an alarm (132), and a normally off switch (66) exposed through an interior of the C-shaped support for closing the circuitry and starting a timer in response to placing a bottle into the interior of the support (See Column 8, lines 24-30 and lines 40-42).

Howard is silent regarding the power supply. Howard does not teach the support including a battery receiver and circuitry connecting the battery receiver and the alarm for energizing the alarm at predetermined times. Lloyd teaches a battery receiver and circuitry connecting the batter receiver and the alarm for energizing the alarm at predetermined times (See Column 3, lines 22-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Howard to include a battery receiver and circuitry

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connecting the battery receiver and the alarm for energizing the alarm at predetermined times to provide a battery as a power source as taught by Lloyd.

Howard in view of Lloyd do not teach a c-shaped support including a pair of arms having spaced apart ends, the support being sized to receive the small bottom end of the bottle and resilient to expand and thereby captivate an intermediate section of the bottle. Walton teaches a c-shaped support including a pair of arms having spaced apart ends, the support being sized to receive the small bottom end of the bottle and resilient to expand and thereby captivate an intermediate section of the bottle (See Column 2, lines 42-49; Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the support of Howard in view of Lloyd such that it is c-shaped to provide a reminder device which can be mounted on a medicine container as taught by Walton.

Referring to claim 2, Howard teaches the support provides a cavity (94) having the circuit therein. Howard in view of Lloyd do not teach a c-shaped support. Walton teaches a c-shaped support (Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the support of Howard in view of Lloyd such that it is c-shaped to provide a reminder device which can be mounted on a medicine container as taught by Walton.

Referring to claim 3, Howard teaches that the support is made of a plurality of components (16, 22) joined together to provide the cavity (18) therein. Howard in view of Lloyd do not teach a c-shaped support. Walton teaches a c-shaped support (Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify

the support of Howard in view of Lloyd such that it is c-shaped to provide a reminder device which can be mounted on a medicine container as taught by Walton.

Referring to claim 4, Howard teaches the reminder device wherein the circuit provides a timer (See Column 8, lines 40-44) and the circuitry includes an adjusting device (See Column 8, lines 4-6 and lines 42-49) for adjusting the duration between energizing of the alarm, the adjusting device being exposed through an exterior of the support (See Figure 7). Howard in view of Lloyd do not teach a c-shaped support. Walton teaches a c-shaped support (Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the support of Howard in view of Lloyd such that it is c-shaped to provide a reminder device which can be mounted on a medicine container as taught by Walton.

Referring to claim 9, Howard teaches all that is claimed as discussed above. Howard does not teach the battery terminals include terminals exposed through the support for engagement with a battery charger for recharging a battery in the battery receiver. Lloyd teaches the battery terminals include terminals exposed through the support for engagement with a battery charger for recharging a battery in the battery receiver. (See Column 3, lines 22-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Howard such that the battery terminals include terminals exposed through the support for engagement with a battery charger for recharging a battery in the battery receiver in order to ensure the battery is fully powered as necessary as taught by Lloyd.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Howard (5170380) in view of Lloyd (5099463) and further in view of Walton (3996879) and further in view of Churchill et al (5583831).

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Referring to claim 5, Howard in view of Lloyd and further in view of Walton teach all that is claimed as discussed above. They do not teach that the circuit provides a receiver including an antenna for receiving a signal from a remote source for energizing the alarm at predetermined times. Churchill teaches the circuit provides a receiver including an antenna for receiving a signal from a remote source for energizing the alarm at predetermined times. (See Figure 3, See Column 2, lines 49-54 and Column 4, lines 18-23). It is inherent that the radio frequency includes an antenna. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the circuit of Howard in view of Lloyd and further in view of Walton to provide a receiver including an antenna for receiving a signal from a remote source for energizing the alarm at predetermined times in order for a third party to modify the alarm from a remote location while user compliance is monitored as taught by Churchill.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard (5170380) in view of Lloyd (5099463) and further in view of Walton (3996879) and further in view of Yarin et al (6294999).

Referring to claim 6, Howard in view of Lloyd teach all that is claimed as discussed above. Howard in view of Lloyd do not teach a c-shaped support. Walton teaches a c-shaped support (Figure 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the support of Howard in view of Lloyd such that it is c-shaped to provide a reminder device which can be mounted on a medicine container as taught by Walton.

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opaque support which is visible from exterior of the support. Yarin teaches a non-opaque support and the alarm is a light emitter having an output device inside the support so energization of the light emitter produces light inside the non-opaque support which is visible from exterior of the support. (See Figure 3, (36); Column 10, lines 63-66). Examiner notes that the portion of the tray in Yarin is non-opaque so that the user can view the light. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the support of Howard in view of Lloyd and further in view of Walton such that it includes a non-opaque support and the alarm is a light emitter having an output device inside the support so energization of the light emitter produces light inside the non-opaque support which is visible from exterior of the support in order to visually notify the user when to take his medicine as taught by Yarin.

Referring to claim 7, Howard in view of Lloyd and further in view of Walton teach all that is claimed as discussed above. They do not teach that the alarm includes a second light emitter providing a different color from the first mentioned light emitter. Yarin teaches an alarm including a second light emitter providing a different color from the first mentioned light emitter (See Column 8, lines 21-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the alarm of Howard in view of Lloyd and further in view of Walton to include a second light emitter providing a different color from the first mentioned light emitter to visually signal different events required by the user regarding his medicine as taught by Yarin.

Referring to claim 8, Howard in view of Lloyd and further in view of Walton teach all that is claimed as discussed above. They do not teach that the circuitry provides for alternately energizing the first light emitter and the second light emitter. Yarin teaches circuitry which

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includes that the lights can alternately flash (See Column 8, lines 21-36). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the alarm of Howard in view of Lloyd and further in view of Walton to include circuitry which provides for alternately energizing the first light emitter and the second light emitter so that the lights can alternately flash to visually signal different events required by the user regarding his medicine as taught by Yarin.

### *Conclusion*


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea H. Evans whose telephone number is (571) 272-2162. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea H. Evans

AHE

  
REN YAN  
PRIMARY EXAMINER